

**REMARKS/ARGUMENTS**

Claims 1-31 are currently pending in the application. Claims 1-14 and claims 20-31 have been amended by way of the present Amendment.

**In the Office Action:** Claim 4 was rejected under 35 U.S.C. § 112, second paragraph. Claims 1, 2, 6, 7, 10, 11, and 14-24 were rejected under 35 U.S.C. § 102(b) as being anticipated by Raychaudhuri et al. (U.S. Patent No. 5,638,371). Claims 3, 12, 13, and 25-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Raychaudhuri et al. in view of Jaakkola et al. (U.S. Patent No. 6,356,537). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Raychaudhuri et al. in view of Pasternak et al. (U.S. Patent No. 5,936,949). Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Raychaudhuri et al. in view of McHale et al. (U.S. Patent No. 5,905,781).

**In reply to the rejection of claim 4 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention, the Applicants respectfully request reconsideration.** The Office Action states on page 2 that "... the phrase: 'the control data to the signaling circuit, and multiples and transmits a user data' is indefinite..." The recitation "multiples" has been amended to "multiplexes." Accordingly, the Applicants respectfully request withdrawal of this rejection.

**In reply to the rejection of claims 1, 2, 6, 7, 10, and 11 under 35 U.S.C. § 102(b) as being anticipated by Raychaudhuri et al., the Applicants respectfully request reconsideration.** These claims recite a local multipoint distribution system comprising a head-end unit for modulating a data stream having an asynchronous transfer mode cell structure.

Raychaudhuri et al. relates to a multiservices medium access control protocol for wireless ATM system. However, there is no disclosure in Raychaudhuri et al. of a local multipoint distribution system multiplexing or demultiplexing a data stream having an asynchronous transfer mode cell structure. At least for this reason, a *prima facie* case of anticipation has not been established.

**In reply to the rejection of claims 14-19 under 35 U.S.C § 102(b) as being anticipated by Raychaudhuri et al., the Applicants respectfully request reconsideration.** These claims recite a method of communicating data in an apparatus comprising a local multipoint distribution system. As discussed above, Raychaudhuri et al. does not disclose a local multipoint distribution system. Accordingly, Raychaudhuri et al. does not disclose the recitations of claims 14-19. At least for this reason, a *prima facie* case of anticipation has not been established.

**In reply to the rejection of claims 20-24 under 35 U.S.C § 102(b) as being anticipated by Raychaudhuri et al., the Applicants respectfully request reconsideration.** These claims recite an apparatus comprising a local multipoint distribution system. As discussed above, Raychaudhuri et al. does not disclose a local multipoint

distribution system. Accordingly, Raychaudhuri et al. does not teach or suggest the recitations of claims 20-24. At least for this reason, a *prima facie* case of anticipation has not been established.

**In reply to the rejection of claims 3, 12, and 13 under 35 U.S.C. § 103(a) as being unpatentable over Raychaudhuri et al. in view of Jaakkola et al., the Applicants respectfully request reconsideration.** These claims recite a local multipoint distribution system comprising a head-end unit for modulating a data stream having an asynchronous transfer mode cell structure.

Raychaudhuri et al. has been discussed above. As discussed above, Raychaudhuri et al. does not disclose a local multipoint distribution system, as recited in claims 3, 12, and 13. Further, Raychaudhuri et al. does not disclose a head-end unit for modulating a data stream having an asynchronous transfer mode cell structure.

Jaakkola et al. relates to the radio interface card for a broadband wireless ATM system. In column 1, lines 14-15, a local multipoint distribution system is disclosed. Particularly, it is disclosed that a local multipoint distribution system provides point to multipoint, high bandwidth services between a base station connected to a backbone such as an asynchronous transfer mode network. Unlike the recitations of claims 3, 12, and 13, there is no disclosure in Jaakkola et al. of a local multipoint distribution system comprising a head-end unit for modulating a data stream having an asynchronous transfer mode cell structure. This is evident and apparent as Jaakkola et al. merely discloses a local multipoint distribution system connected to a backbone such as an synchronous transfer mode network. Accordingly, the disclosure of Jaakkola et al. does not alleviate the deficiencies of Raychaudhuri et al. of not disclosing a local multipoint distribution system comprising a head-end unit for modulating a

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data stream having an asynchronous transfer mode cell structure. At least for these reasons, a *prime facie* case of obviousness has not been established.

**In reply to the rejection of claims 25-31 under 35 U.S.C. § 103(a) as being unpatentable over Raychaudhuri et al. in view of Jaakkola et al., the Applicants respectfully request reconsideration.** These claims recite a head-end unit of a local multipoint distribution system for modulating a data stream having an asynchronous transfer mode cell structure.

Raychaudhuri et al. has been discussed above. As discussed above, Raychaudhuri et al. does not disclose a local multipoint distribution system, as recited in claims 25-31. Further, Raychaudhuri et al. does disclose a head-end unit for modulating a data stream having an asynchronous transfer mode cell structure.

Jaakkola et al. has been discussed above. As discussed above, unlike the recitations of claims 25-31, there is no disclosure in Jaakkola et al. of a local multipoint distribution system comprising a head-end unit for modulating a data stream having an asynchronous transfer mode cell structure. Jaakkola et al. merely discloses a local multipoint distribution system connected to a backbone such as an asynchronous transfer mode network. The disclosure of Jaakkola et al. does not alleviate the deficiencies of Raychaudhuri et al. of not disclosing a local multipoint distribution system comprising a head-end unit for modulating a data stream having an asynchronous transfer mode cell structure. At least for these reasons, a *prime facie* case of obviousness has not been established.

**In reply to the rejection of claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Raychaudhuri et al. in view Pasternak et al., the Applicants respectfully request reconsideration.** This claim recites a local multipoint distribution system.

Raychaudhuri et al. has been discussed above. As discussed above, Raychaudhuri et al. does not disclose a local multipoint distribution system.

Pasternak et al. relates to a wireless ATM metropolitan area network. There is no disclosure of a local multipoint distribution system. Accordingly, the disclosure of Pasternak et al. does not alleviate the deficiencies of Raychaudhuri et al. of not disclosing a local multipoint distribution system. At least for this reason, a *prime facie* case of obviousness has not been established.

**In reply to the rejection of claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Raychaudhuri et al. in view of McHale et al., the Applicants respectfully request reconsideration.** These claims recite a local multipoint distribution system comprising a head-end unit for modulating a data stream having an asynchronous transfer mode cell structure.

Raychaudhuri et al. has been discussed above. As discussed above, Raychaudhuri et al. does not disclose or suggest a local multipoint distribution system. Accordingly, Raychaudhuri et al. does not disclose the recitations of claims 8 and 9 of a local multipoint distribution system comprising a head-end unit for modulating a data stream having an asynchronous transfer mode cell structure.

McHale et al. relates to a communication server apparatus and method. However, there is no disclosure in McHale et al. of a local multipoint distribution system comprising a head-end unit for modulating a data stream having an asynchronous transfer mode cell structure. Accordingly, McHale et al. does not alleviate the deficiencies of Raychaudhuri et al. At least for this reason a *prima facie* case of obviousness has not been established.

### CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned agent, Daniel H. Sherr, at the telephone number listed below. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
FLESHNER & KIM, LLP



Daniel Y.J. Kim  
Registration No. 36,186  
Daniel H. Sherr  
Registration No. 46,425  
Carl R. Wesolowski  
Registration No. 40,372

P.O. Box 221200  
Chantilly, Virginia 20153-1200  
703 502-9440 DYK:DHS:JHB/kdb

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**Please direct all correspondence to Customer Number 34610**